

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

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Philadelphia, Pa.

Judge Hits Second Prosecution

Notices Bring Results

Nearly 16,000 copies of the CCCO poster offering assistance to conscientious objectors have been distributed throughout the United States. The poster is 8½ by 11 inches in size and is headed, "Notice, Men of Draft Age." The text notes that the draft law makes provisions for C.O.'s and offers the assistance of CCCO. Following the text there is a blank space for the insertion of the name and address of a local counseling agency.

The purpose of the poster is to attempt to reach C.O.'s who are not affiliated with any group informed on the rights of objectors. Several such men have gone to prison because they did not know that assistance was available to them.

Church and college bulletin boards have been the most popular posting places for the notices, although other public places have been used. No successful attempt at getting one posted in a draft board office has been reported to date.

Responses Noted

An average of one response per day is being received by the CCCO office. The responses have come from various parts of the country, and it has not been possible to determine just which organizations are making most effective use of the posters. The Fellowship of Reconciliation, the War Resisters League, and some offices of the American Friends Service Committee have used large quantities of the posters. They have also been used by the Veterans Against War and local and regional C.O. committees. No reports have been received from these organizations as to the response they have had. Although it is not expected that the response will be large in total numbers of new men reached, the effort and expense of the project is small, and to those men reached the benefit may be great.

Posters Available

The posters do not go out of date, and they are still available from CCCO. There is no charge for quantities of ten or less. Larger quantities are one cent per copy, postpaid.

The Central Committee for C.O.'s will welcome suggestions as to other means of reaching men who need assistance but do not know where to get it. This is one of the most pressing problems of all C.O. counseling agencies.

Former D.A. Refuses to Give Non-entrant Second Term

Judge Ernest A. Tolin sentenced Gilbert McFadden February 2 to five years on probation. McFadden had entered a plea of guilty in United States District Court in Los Angeles when charged with refusal to report for induction. He had previously served one year of a three-year prison sentence for refusal to register. He was released on parole from the Federal Prison Camp at Tucson, Arizona, December 22, 1949. He is a member of the Methodist Church and is a student at Occidental College.

Judge Tolin is a former United States Attorney who is a new appointee to the federal bench. At the time of sentencing he demanded to know why the U.S. Attorney's office was prosecuting a conscientious objector for the second time. He remarked that he didn't like to see draft boards kicking conscientious objectors around, and he quoted Judge Yankwich to the effect that "one bite of the apple is enough."

Defense attorney J. B. Tietz brought out in court that local and area Selective Service officials had cooperated to have McFadden classified I-O but that the State Director of Selective Service for California had countermanded the arrangement. Judge Tolin said that he was only interested in avoiding second prosecutions.

The American Friends Service Committee had agreed to take McFadden on probation, but the judge thought that would be unduly restrictive. The order as issued places no limitation on place of employment, type of employment, or compensation. McFadden is continuing his college studies. The five-year probation order will take him to his 26th birthday and beyond reach of the draft law as it now stands.

Second Prosecutions Continue

In Philadelphia, two new second prosecutions have been started to raise the total to three second prosecutions now pending in that judicial district. The new arrests are those of Paul and David Seaver. The Seaver twins received sentences of 18 months February 28, 1951, for refusal to register. They were released on parole September 19, 1951.

Vail Palmer is the other C.O. in the Philadelphia

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Cast the First Stone

Frequently we get inquiries about books related to life in prison. Several persons have asked us about a prison book recently on best selling lists which we cannot recommend because it is fiction related as fact. We have now found a prison book we can recommend.

Cast the First Stone (Coward-McCann, Inc., 210 Madison Ave., New York City, \$3.75), written by Chester Himes, is a novel which is fact in the prison atmosphere it recreates. C.O.'s who have served time in prison will be especially interested in this book. The striking thing about the story is that the physical conditions reported in this state prison are a glaring contrast to the antiseptic, closely controlled federal institutions familiar to C.O.'s, yet the psychological atmosphere and personal relationships are so nearly the same.

The "hero," Jim Munroe, serves a long stretch in a prison where guards shoot and beat convicts, the prisoners carry knives and gamble openly, homosexuality is rife and virtually uncontrolled, and wide-spread graft is shared by inmates and guards. In spite of this contrast with federal prisons, the essence of "doing time" is the same for Jim Munroe as it is known by ex-prison C.O.'s.

This basic characteristic of imprisonment is a matter of atmosphere or spirit which is difficult to report. Totalitarian repression, sexual segregation, petty regulations, lack of personal privacy, made work, and artificial motivation are some of the elements in the total picture which are only slightly modified by the most radical prison reform. Chester Himes has done a good job of getting this basic prison character into his novel.

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SECOND PROSECUTIONS

(Continued from page 1)

area who is in the process of being prosecuted a second time. All three of the men are members of the Society of Friends. The Seavers are students at Haverford College. Vail Palmer is administrative assistant for the Central Committee for Conscientious Objectors.

Vail Palmer entered a plea of not guilty when arraigned. He is charged with refusal to report for induction. He will be defended by Harrop Freeman of the Cornell University law school.

Paul and David Seaver have not been arraigned.

Others Convicted

Gilbert McFadden's sentence marked the fourth time since the 1948 draft law went into effect that an absolutist objector has been convicted twice for refusal to cooperate with conscription. In addition to these four convictions, several C.O.'s were arrested a second time in Iowa, but the prosecutions were dropped when the selective service questionnaires were completed by the U.S. Attorneys and the men given deferred classifications.

Bureau of Prisons Reports

The Bureau of Prisons has released its annual report for the year ending June 30, 1952. Although the report is not available for general distribution it can be read at many public libraries. It is entitled "Federal Prisons—1952"

The Bureau operates 31 institutions. Six of these are penitentiaries, five reformatories, two institutions for juveniles, seven correctional institutions, nine prison camps, one hospital, and one detention headquarters.

According to the report, 12 philosophical objectors, 53 religious objectors, 99 Jehovah's witnesses, and 80 other selective service violators were sentenced to prison during the year covered. CCCO does not attempt to separate philosophical and religious objectors, but the total number of these two groups as reported by the Bureau of Prisons is almost exactly the same as that reported in *The Court Reporter* over the same period of time.

Eight men were sentenced for violation of the 1940 draft law. These are men who could not be found earlier for prosecution. None of them are conscientious objectors.

The report indicates that C.O.'s in prison are on the average younger than the usual federal prisoner and their sentences are longer. A C.O.'s chances of getting parole were statistically about twice as good as the average prisoner. The average C.O. is more apt to be native born and white than the other prison inmates.

The average number of federal prisoners incarcerated at any one time during 1952 was 21,880. It costs the government \$3.56 per day to keep a man in prison, so C.O.'s can figure their sentences at about \$2,300 per year. Of the \$3.56 only 47c goes for food.

Paradoxes Exist

Objectors will be interested in noting that the Bureau of Prisons is aware that it faces certain paradoxes in the job it is trying to do. Those mentioned are, "Prisons are expected to punish, and also to reform; to provide rigorous discipline, yet teach self-reliance; to operate like vast impersonal machines, yet fit men to live normal community lives; to operate according to a fixed automatic routine, yet develop individual initiative; not to compete with outside free labor in productive work, yet make men industrious and teach good work habits."

The Bureau says that it has two jobs, "to carry out the orders of the courts by holding the individuals charged to us securely confined, and to release prisoners substantially better and more law-abiding than when they enter our institutions."

Conscientious objectors have generally been confined in the minimum-custody institutions of the prison system. The Bureau feels that these are the most successful of their institutions. In relation to getting their two jobs done the report concludes that "Our minimum-custody installations are doing both of these jobs, and our other institutions each year are approaching closer to these goals."

Briefly Noted

Selective Service has announced that only twelve physicians and eleven dentists have been inducted under the doctors draft law. These men were all inducted as enlisted men. All others called "volunteered" ahead of induction in order to receive commissions plus the \$100 per month extra pay for medical officers.

* * *

The Borisuk and Bender appeals are listed for argument March 2 before the Third Circuit Court of Appeals in Philadelphia. The Borisuk case is being argued the second time at the request of the court to amplify the points of law involved in the use of the FBI report in the C.O. appeal procedure. The same points are also involved in the Bender case, in addition to other defense points.

* * *

The Immigration and Naturalization Service has initiated deportation proceedings against Vasyl Sereda, C.O. displaced person incarcerated at Petersburg for failure to report for induction. The government claims that the "crime" involves moral turpitude, thereby subjecting Sereda to deportation. Sereda is a religious objector and willing to accept civilian assignment, but he did not know about the C.O. provisions at the time he was processed by Selective Service. CCCO will assist in the effort to prevent his deportation.

* * *

The conviction of Roosevelt Ward for failure to furnish his draft board with a correct address was reversed by the Supreme Court in a per curiam decision announced February 2. Ward is not a conscientious objector. He offered to be inducted into the army and claimed that his prosecution was a result of his job as executive secretary of an organization declared by the Attorney-General to be subversive. The Supreme Court stated that, "The record does not support the charge that, during this period, there was deliberate purpose on the part of petitioner not to comply with the Selective Service Act or the regulation issued thereunder."

* * *

The Northern California F.O.R. Newsletter reports that, "Victor McLane of Modesto has been denied an elementary teaching credential because of his World War II draft violation and proceedings have been commenced to cancel the music and junior high teaching credentials which he has had for some time."

* * *

A World War I C.O. has just had his court martial set aside and been awarded a general discharge. He is Edward Zepp of Cleveland, Ohio. Zepp is a member of the Lutheran Church.

* * *

Judge Wallace Gourley dismissed the draft case against Arnold Liberato in Pittsburgh January 23. Liberato, a J.W., had been classified I-A-O for "non-combat-

REPORTED WITHOUT COMMENT

President Eisenhower was advised by Representative Wayne L. Hays (D., O.) today to give Major-General Lewis B. Hershey, the draft director, "the old heave-ho."

Hays said in a newsletter that the new administration should replace Hershey with "someone who will work more and talk less."

Hays said the draft situation was confused, "what with General Hershey sounding off every few days, apparently just so he can see his name in print."

(from Associated Press as reported in the Philadelphia Inquirer February 1, 1953)

Work Assignments Increase

The assignment of I-O's to civilian work has advanced at a rapid pace during the past few weeks. Officials of the Selective Service System estimate that more than 1,000 C.O.'s have received work orders during December, January, and February. More than 1,500 men are now at work. Approximately 4,000 more men are eligible for assignment as fast as they and their local boards work out mutually satisfactory arrangements.

The number of projects approved by Selective Service for C.O. assignment has also been growing rapidly. All states except Idaho, Montana, Nevada, and Oklahoma now list some approved employers. Although most of the jobs are with state agencies, a number of them are with private non-profit organizations. Churches now in the field as employers include the Presbyterians, Baptists, and Methodists, in addition to the Church of the Brethren and Mennonites who were in the program from the beginning. Other denominations are considering seeking approval for their institutions or special projects.

C.O.'s wishing to see which employers are approved for their state can examine the list at the office of their local board. For possibilities outside of their home state it will usually be necessary to get in touch with a C.O. counseling agency.

ant service as prescribed by the president." He asked the board what the President would prescribe, but the board failed to answer. Judge Gourley ruled that Liberato was entitled to an answer.

* * *

Hi Doty, Chadds Ford, Pa., is compiling a bibliography of novels, plays and short stories with C.O. characters. It will be appreciated if the readers of NEWS NOTES will send him titles which can be included in the bibliography.

THE COURT REPORTER

I PROSECUTIONS

Confirmation not previously available

11-3-52 Dan Tolmachoff, 1 yr., (Phoenix, Ariz.)
 Judge David Ling
 11-17-52 Howard Roberson, 5 yrs., (Oklahoma City, Okla.) Judge William Wallace, (Roberson is free on bond while his appeal is pending)
 Date ? Eldon Taylor, 3 yrs., (Albuquerque, N. Mex.) Judge Carl Hatch
 Date ? Gaetano Brancaleone, 3 yrs., (San Diego, Cal.) Judge Jacob Weinberger
 1-23-53 Philip Mulligan, 3 yrs., (Baltimore, Md.) Judge William Coleman

Sentenced since last issue

2-2-53 Gilbert McFadden, 5 yrs. probation, (Los Angeles, Cal.) Judge Ernest Tolin

Arrests since last issue

California—Lawrence Tuttle, Harry Donske, William Fryer
 Minnesota—Russell Franko
 Pennsylvania—Paul Seaver, David Seaver
 (All prosecutions for refusal to report for or submit to induction unless otherwise noted.)

II RELEASED FROM PRISON

On parole

1-22-53 Roger Rose
 2-10-53 Norman Rush
 2-11-53 Kenneth Champney
 2-18-53 Jim Pierce

III MEN CURRENTLY IMPRISONED

Ashland, Ky.—Clifford Walter, Don Begeman, Edwin White
 Chillicothe, Ohio—Carlton Owen
 Danbury, Conn.—Wilbert Wilson, Paul Zimmerman, James Wenger, Stephen Barragato, Marvin Katz, Stan Klinteberg, Ray Arvio
 La Tuna, Tex.—Jack Jenewin
 Milan, Mich.—Robert Suydam, Richard Smith
 Mill Point, W. Va.—Loy Imboden, M. H. Rambo, George Ibasfalean
 McNeil Island, Wash.—Donald Koch, James MacDonald, Richard Barrett, Hubert

Room 300
 2008 Walnut Street
 Philadelphia 3, Pa.

D. A. Faces Contempt Charge

Judge William C. Mathes of United States District Court in Los Angeles threatened U.S. Attorney Walter S. Binns and FBI agent C. H. Carson with commitment in jail for contempt of court for refusal to produce FBI records in court January 20. Judge Mathes wished to examine the report privately in the course of a prosecution of a Jehovah's witness for refusal to submit to induction.

Binns advised Carson not to produce the records. Both Binns and Carson later received orders from then Attorney-General McGranery not to produce the records. Judge Mathes remarked that no amount of teletyping would keep Binns and Carson out of jail if they refuse to comply with his order. However, the judge continued the case for one week to see if the new administration in Washington would change the current Department of Justice policy on the refusal to produce the FBI report.

The Los Angeles Times reported that Binns and Carson "walked out of court mopping perspiration from their brows."

At a subsequent hearing the case was continued for four weeks at the request of the new U.S. Attorney-General, Herbert Brownell.

When the case got back in court February 25 Brownell had instructed Binns and Carson to turn the reports over to Judge Mathes for his private examination. The judge then ruled that for reasons of national security the FBI report would not be produced in open court nor available to the defense.

Barnes, George Waegell, Glenn Peters, Clarence Bryan
 Petersburg, Va.—Larry Atkins, Gordon Oehser, Vasyl Sereda, Philip Mulligan
 Springfield, Mo.—Robert Beach, Willie Rogers, Grady Rogers, Robert Starkweather
 Tallahassee, Fla.—Frank Laraway
 Tucson, Ariz.—Howard Harris, Rudy Linan, Roy Elder, Fred Hildebrand, Elden Taylor, Gaetano Brancaleone, Dan Tolmachoff
 Tulelake, Cal.—Frank Broderick, Emmett Blincoe, Harold Gilmore
 Institution not verified—Stanley Sydow
 Total number of C.O.'s convicted since 1943 to date: 189 (This is a minimum number, since J.W.'s and Muslims are not included, and we miss a few.)

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